

## **DIRECTOR’S REPORT AND RECOMMENDATION**

### Amendments to the Station Area Overlay District

#### **INTRODUCTION**

DCLU is proposing Land Use Code Amendments, in two proposed ordinances, to make three corrections related to the Station Area Overlay District (SAOD). The first amendment would correct an oversight that effectively prohibits repair and maintenance facilities associated with sales and rental of automobiles within the SAOD. While the amendment would allow major and minor repair of motor vehicles as an accessory use, the use would continue to be prohibited as a principal use. The second amendment would correct a redundant reference to “mini-warehouses” as a prohibited use by removing one of the references -- warehouses would continue to be prohibited uses. The third proposal would replace two streets inadvertently omitted from the list that identifies principal pedestrian streets within pedestrian-designated zones.

#### **BACKGROUND**

Resolution 29867 establishes goals and strategies for Station Area Planning. These goals and strategies promote transit-oriented development and are the policy foundation for the Station Area Overlay District. The SAOD was adopted in the summer of 2001 to coordinate neighborhood plan recommendations related to land use and zoning with those of the link light rail system and station development. The intent and features of the SAOD accomplish a number of goals regardless of when light rail service begins.

The Station Area Overlay District prohibits uses that are not conducive to creating or enhancing mixed use, pedestrian oriented areas that are supportive of transit. Prohibited uses that may otherwise displace preferred uses, were identified. Permitted uses allow for people to live, work and have ready access to goods and services in areas surrounding proposed light rail stations. The goods and services are intended to be neighborhood serving, rather than regional or citywide in their appeal. This approach to prohibited and permitted uses helps ensure land that is located near high capacity transit stations within town centers, is used in a manner that complements and supports public investment in high capacity transit.

#### **ANALYSIS**

*The analysis section of this report focuses on the amendment related to vehicle repair uses. The other two amendments merely correct redundancy or correct inadvertent omissions.*

“Principal use” means the primary use of a lot. An “accessory use” is a use that is associated with and incidental to the principal use of the lot. Within the Station Area Overlay District, uses are prohibited as both principal and accessory uses unless

otherwise indicated. In some cases, uses are only prohibited as principal uses, but may be allowed as an accessory use where they may be customarily incidental to the principal use.

An example of a use permitted as an accessory use but prohibited as a principal use is parking. Principal use parking, or long-term parking available to the general public, usually for a fee, is prohibited to discourage people from using an area, such as a light rail station area, as a park and ride lot. Accessory parking, or short-term parking, associated with local businesses, for example, is not prohibited. Such parking is essential to the business.

When the Station Area Overlay District was adopted, sales and rental of motorized vehicles were permitted uses, while major and minor repair of motor vehicles was prohibited. The amendment is proposed to clarify that vehicle maintenance and repair incidental to and associated with the sales and rental of automobiles, is a permitted use within the SAOD. It was not originally intended to allow sales and rental of motorized vehicles, yet prohibit associated vehicle repair within the overlay district.

### **Recommendation**

The proposed amendment would recognize the interrelationship between sale and rental of motorized vehicles and vehicle repair by allowing vehicle maintenance and repair to be permitted as an accessory use. The proposed amendment recognizes an accepted and customarily incidental use to the sale or rental of automobiles. Vehicle repair would continue to be prohibited as a principal use. The proposed amendment would also remove a redundant reference to warehouse, use without changing the prohibited status of that use.

The proposal would preserve the intent of the SAOD, which is to regulate uses in a way that properly guides future development in the area close to high capacity transit stations, and is consistent with the goals and strategies for Station Area Planning.

DCLU recommends approval of the proposed ordinance. DCLU has considered the recommendations or comments from affected departments, other government agencies, and the public, as well as conducted an environmental review of the proposed amendments to the Land Use Code, in accordance with state law. Comment letters and environmental documentation are available upon request.